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| 10/588,129 | 07/31/2006 | Marco Roggero | DE040025US1 | 3813 |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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| EXAMINER |
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SARWAR, BABAR

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| ART UNIT | PAPER NUMBER |
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2617

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| MAIL DATE | DELIVERY MODE |
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07/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/588,129 | Applicant(s) ROGGERO ET AL. | |
| | Examiner BABAR SARWAR | Art Unit 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **05/18/2009** has been entered.

- 2. **Claims 1, 6** have been amended.
- 3. **Claims 1-12** are currently pending.

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "**said received messages**" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim 1 recites the limitation "**incomplete messages**" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim 1 recites the limitation "**said stored messages**" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim 6 recites the limitation "**incomplete messages**" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim 6 recites the limitation "**said stored messages**" in lines 7-8. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akutsu et al. (US 5,987,374) in view of Sanderford, JR et al. (US 2009/0103509 A1), hereinafter referenced as Akut and Sander.

Consider claims 1, 6, Akut discloses a method of improving wireless communication between motor vehicles (**Abstract, where Akut discloses a traveling guidance system**), wherein the motor vehicles transmit messages (**Col. 1:50-53, Fig. 1, where Akut discloses vehicles with data transmitter**) to a stationary unit for storing said received messages (**Col. 1: 63-67, Col. 2:1-4, Fig. 3, where Akut**

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discloses an electronic wave tag and a control center, a data memory (RAM) and (ROM) for storing data) and generate different new messages based on a prognosis of information contained in said stored messages (Col. 6:31-52, Fig. 4, where Akut discloses the electronic wave tag and the control center creating different new messages based on a prognosis of information contained in stored messages).

Akut does not explicitly disclose wherein within the stationary unit the received messages are processed by checking for incomplete or duplicate messages so as to discard incomplete messages and store only a last one of said duplicate messages.

Sander discloses that wherein within the stationary unit **(Fig. 1, where Sander discloses a data concentrator and a plurality of base stations)** the received messages are processed by checking for incomplete or duplicate messages so as to discard incomplete messages and store only a last one of said duplicate messages **(Para 0189, Figs. 1, 12, where Sander discloses duplicate messages being detected and reduced to a single message for storage, the process also ascertains that each received message is stored once, therefore checking for duplicate messages and discarding them and storing a last one of said duplicate messages).**

Therefore it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Akut with the teachings of Sander so as to conserve communication resources and reduce expenditures as discussed in **Para 0006.**

Consider **claim 2**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Sander discloses that the messages entering the stationary unit are filtered (**Para 0189, Fig. 12, where sander discloses that messages are being filtered to determine duplicate messages**).

Consider **claim 3**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Akut discloses that the incoming messages are stored in the stationary unit, wherein they are further checked in particular with regard to topicality and/or type of information and/or priority and/or reliability and/or position of the motor vehicle (**Col. 2:1-16, where Akut discloses predicting occurrence of traffic conditions based on information received from motor vehicles**).

Consider **claim 4**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Akut discloses that upon a request by a motor vehicle a specific message is generated in the stationary unit (**Col. 2:1-16, where Akut discloses predicting occurrence of traffic conditions based on information received from motor vehicles**).

Consider **claim 5**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Akut discloses that the stationary unit is activated when a motor vehicle approaches (**Col. 6:31-52, Fig. 4, where Akut discloses the electronic wave tag and the control center creating different new messages based on a prognosis of information contained in stored messages, therefore activation the stationary unit upon approach of a motor vehicle**).

Claim 7, as analyzed with respect to the limitations as discussed in claim 2.

Claim 8, as analyzed with respect to the limitations as discussed in claim 3.

Claim 9, as analyzed with respect to the limitations as discussed in claim 4.

Claim 10, as analyzed with respect to the limitations as discussed in claim 5.

Consider **claim 11**, the combination teaches everything claimed as implemented above (see claim 1). In addition, Akut discloses that wherein said stationary unit is integrated into an infrastructure of a road (**Fig. 4, where Akut discloses the electronic wave tag and the control center**).

Claim 12, as analyzed with respect to the limitations as discussed in claim 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BABAR SARWAR whose telephone number is (571)270-5584. The examiner can normally be reached on MONDAY TO FRIDAY 09:00 A.M -05:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/BABAR SARWAR/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617